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**VIA ECF**

Hon. Lewis J. Liman  
United States District Judge  
United States District Court for the Southern District of New York  
500 Pearl Street, Courtroom 15C  
New York, NY 10007

**Re: Mendez v. Jos. A. Bank Clothiers, Inc., Civil Action No.: 1:19-cv-11756-LL**

Dear Judge Liman:

This firm represents Defendant Jos. A. Bank Clothiers, Inc. ("Defendant") in the above-referenced action. We have conferred with Plaintiff's counsel and write, with Plaintiff's concurrence, to jointly request a stay of this action until August 9, 2020.

By way of background, Defendant's current responsive pleading deadline is April 13, 2020. (ECF No. 14.) If the Court does not stay this matter, Defendant will file a motion to dismiss by this date.

The parties respectfully request that this action be stayed to allow for the resolution of motions to dismiss in similar matters arising out of gift cards that do not include Braille, which are currently pending before the Court and other judges in this District and the Eastern District of New York. The stay would allow the parties to have the benefit of the Court's analysis of the issues in other matters which will inform their assessment of the pending case. It will also conserve resources of both the parties and the Court. Similar stays were recently granted on the same grounds by Judge Abrams in *Delacruz v. Five Below, Inc.*, Case No. 1:19-cv-10294-RA (S.D.N.Y.) (ECF No. 16), *Matzura v. New Balance Athletics, Inc.*, Case No. 1:19-cv-11344-RA (S.D.N.Y.) (ECF No. 18), and *Mendez v. The Men's Wearhouse, Inc.*, 1:19-cv-11765-RA (S.D.N.Y.) (ECF No. 15), by Judge Caproni in *Calcano v. Drybar Holdings LLC*, Case No. 1:19-cv-11389-VEC (S.D.N.Y.) (ECF No. 10), by Judge Woods in *Calcano v. Domino's Pizza, Inc.*, Case No. 1:19-cv-09823-GHW (S.D.N.Y.) (ECF No. 24) and *Delacruz v. Jamba Juice*, Case No. 1:19-cv-10321-GHW (S.D.N.Y.) (ECF No. 20), by Judge Failla in *Calcano v. Guess, Inc.*, Case No. 1:19-cv-10441-KPF (S.D.N.Y.) (ECF No. 18), by Judge Ramos in *Dominguez v. Marshalls of MA, Inc.*, Case No. 1:19-cv-10626 (S.D.N.Y.) (ECF No. 20), and by Judge Daniels in *Delacruz v. Converse Inc.*, Case No.

1:19-cv-10293-GBD (S.D.N.Y.) (ECF No. 20.) The orders are enclosed for the Court's convenience.

We thank the Court for its time and attention to this matter, and for its consideration of this application.

Respectfully submitted,

SEYFARTH SHAW LLP

*/s/ John W. Egan*

John W. Egan

cc: All counsel of record (via ECF)

GRANTED IN PART. All proceedings shall be stayed until May 18, 2020, without prejudice to an application for an additional stay if at that time the Court has not issued a decision on a "gift card" case. The parties shall submit a joint letter no later than two weeks after the stay has expired setting forth how they would like to proceed. At the end of the stay period, the Court will enter an order setting Defendant's time to answer or move. The parties should be aware that the Court has before it a motion to dismiss in *Thorne v. Tory Burch LLC*, 19-cv-10403, which may raise similar issues to those raised by this case.

SO ORDERED.



LEWIS J. LIMAN  
United States District Judge

3/13/2020